



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

NEGRO CRIMINALITY IN THE SOUTH

BY MONROE N. WORK,

Tuskegee Institute, Tuskegee. Ala.

Prior to the Civil War there was not, in the South, the problem of Negro crime such as now exists. Although at that time each of the slave states had elaborate and severe laws for dealing with Negro criminals, they were, in proportion to the total number of Negroes, comparatively few. Immediately following emancipation, however, their numbers increased. This was inevitable; for many of the restraints that had been about the slaves were suddenly removed and much of the machinery for state and local government had broken down. As a result there was confusion and disorder. Many of the slaves left the plantations. There was the beginning of the migration from section to section from the rural districts to the cities and from the South to the North. Under all these circumstances it was not surprising that there should be an increase in Negro crime. The wonder is that there was not more confusion, disorder and rapine. The great majority of the freedmen did not attempt to be lawless. They exercised the same restraint that they had exercised during the four years that their masters had been away on the field of battle. But to some of the newly enfranchised, freedom meant the license to do what they pleased. It was from this class that the majority of the criminals came.

As an example of the increase in the number of Negro criminals, we will take the state of Georgia. In 1858, there were confined in the Georgia penitentiary 183 prisoners, all of whom were apparently white. Twelve years later, in 1870, there were 393 prisoners in this penitentiary, of whom 59 were white and 334 colored.

According to the United States census, the total number of Negroes confined in Southern prisons in 1870 was 6,031; ten years later, the number, 12,973, had more than doubled; twenty years later, the number, 19,244, was three times as great; thirty-four years later, however, that is in 1904, the number of Negroes confined in Southern prisons was 18,550. This would appear to indicate that,

so far as prison population is an index, Negro criminality in the South in recent years has not increased. It is probable that there is some decrease, for a study of criminal statistics of cities North and South, indicates that between 1890 and 1904 Negro criminality, which up to this time had seemed to be steadily increasing, reached its highest point and began to decrease. It appears that the decrease began about 1894-1895.

The number of prisoners per 100,000 of Negro population also appears to bear out this conclusion. It also shows that there is a much higher rate of crime among Negroes in the North than in the South. This is to a large extent due to the fact that seven-tenths of the Negroes in the North, as against one-tenth in the South, live in cities and are of an age when persons have the greatest tendency to crime.

In the following table the number of Negro prisoners in Northern and Southern states is compared.

NEGRO PRISONERS

Year	Northern States	Southern States
1870	2,025	6,031
1880	3,774	12,973
1890	5,635	19,244
1904	7,527	18,550

PRISONERS PER 100,000 OF NEGRO POPULATION

1870	372	136
1880	515	221
1890	773	284
1904	765	220

It is significant that the number of lynchings reached its highest point about the same period that Negro crime reached its highest point. From 1882 to 1892 the number of persons lynched annually in the United States increased from 114 to 255. From that time on the number decreased. In 1912, there were 64 lynchings in the United States. The total number of lynchings during the thirty years from 1882 to 1912 were 4,021. Of this number, 1,231 were whites and 2,790 were Negroes. The average per year for Negroes was 93, for whites, 41. From 80 to 90 per cent of the lynchings are in the

South. Less than one-fourth of the lynchings of Negroes is due to assaults upon women; in 1912 only one-fifth was for this cause. The largest per cent of lynchings is for murder or attempted murder. Over 10 per cent is for minor offenses.

It is of still greater interest to compare the commitments for rape. In 1904, the commitments for this crime per 100,000 of the total population were: all whites, 0.6; colored, 1.8; Italians, 5.3; Mexicans, 4.8; Austrians, 3.2; Hungarians, 2.0; French, 1.9; Russians, 1.9. Of those committed to prison for major offenses in 1904 the per cent committed for rape was, for colored, 1.9; all whites, 2.3; foreign white, 2.6; Irish, 1.3; Germans, 1.8; Poles, 2.1; Mexicans, 2.7; Canadians, 3; Russians, 3; French, 3.1; Austrians, 4.2; Italians, 4.4; Hungarians, 4.7. The commitments for assaults upon women are low in the Southern States. In the south Atlantic division the rate per 100,000 of the population in 1904, was 0.5; in the south central division it was 0.7. Some would suppose that the low rate of commitments for rape in the South is due to the fact that the most of the perpetrators of these crimes are summarily lynched; but if, however, all the Negroes who were lynched for rape in the South were included, the rate for colored would be changed less than one-fourth of 1 per cent.

The report of the immigration commission in 1911 on *Immigration and Crime* gives the following concerning the per cent that rape forms of all offenses by Negroes and whites: of convictions in the New York City court of general sessions for nine months of 1908-1909, Negro, 0.5; foreign white, 1.8; native white, 0.8. Chicago police arrests from 1905-1908, Negro, 0.34; foreign white, 0.35; native white, 0.30; of alien white prisoners, 1908, in the United States, 2.9.

Both North and South the crime rate for Negroes is much higher than it is for whites. In 1904 the commitments per 100,000, in the entire country, were, for whites, 187; for Negroes, 268. In the Southern States, Negro crime compared with white is in the ratio of $3\frac{1}{2}$ to 1. On the other hand it is interesting to find that the Negro has a relatively lower crime rate than several of the emigrant races who are now coming to this country. The following table shows the commitments to prison, in 1904, per 1,000, of certain nationalities:

Nationality	Number in United States according to census 1900	Prison commitments in 1904	Commitments per 1,000 of each nationality
Mexicans.....	103,410	484	4.7
Italians.....	484,207	2,143	4.4
Austrians.....	276,249	1,006	3.6
French.....	104,341	358	3.4
Canadians.....	1,181,255	3,557	3.0
Russians.....	424,096	1,222	2.8
Poles.....	383,510	1,038	2.7
Negroes.....	8,840,789	23,698	2.7

As a result of emancipation and the increase in Negro crime, great changes were brought about in the prison systems of the South. Before the war the states of the South operated their prisons on state account and they were generally a burden on the states. After the close of the war the states found themselves with an increasing prison population and no resources from which to make appropriations for the support of these prisons. Throughout the South there was great demand for labor. Inside the prisons were thousands of able-bodied Negroes. Offers were made to the states by those needing labor to lease these prisoners, and so it was discovered that what had been an expense could be converted into a means of revenue and furnish a source from which the depleted state treasuries could be replenished. Thus it came about that all the Southern state prisons were either by the military governments or by the reconstruction governments, put upon lease.

The introduction of the convict lease system into the prisons of the South, thereby enabling the convicts to become a source of revenue, caused each state to have a financial interest in increasing the number of convicts. It was inevitable, therefore, that many abuses should arise. In his report for 1870, less than a year after the Georgia lease had been effected, the principal keeper of the penitentiary complained about the treatment of the convicts by the lessees. An investigation in 1875 of the Texas system revealed a most horrible condition of affairs. From time to time in other states there were attacks on the systems and legislative investigations. The better conscience of the South demanded reform in the treatment of criminals for it was found that "the convict lease system had made the condition of the convict infinitely worse than

was possible under a system of slavery in which the slave belonged to his master for life." In recent years there has been much improvement in the condition of convicts in the South. Five states, Louisiana, Mississippi, Georgia, Oklahoma and Texas have abolished the lease, contract, and other hiring systems. All the other Southern states still sell convict labor to some extent, but in each of these strong movements are on foot to abolish the custom.

After the close of the war and as a part of the reconstruction of the South there had to be some readjustment of court procedure with reference to Negroes. Hitherto they had been dealt with as slaves or as free persons of color. After the adoption of the war amendments, they came before the courts as full citizens of the United States. From now on, much of the time, in many sections, the major part of the time of the criminal courts has been taken up with trying cases where Negroes were concerned.

Before emancipation the Negro had noted that wherever the law had been invoked with reference to a Negro that it was generally to punish or to restrain. Thus he came to view the law as something to be feared and evaded but not necessarily to be respected or to be sought as a means of protection. Under freedom the Negro's experience with the law was much the same as it had been in slavery. He found that the courts were still used as a means of punishment and restraint and that generally they were not the place to seek for protection. Another cause of the Negroes regarding the courts unfavorably was the stringent laws relating to labor contracts. These laws imposed severe penalties upon the laborer who violated his contract and often reduced him to peonage. The result is that at present the attitude of the Negroes toward the law is that many still associate laws with slavery and look upon courts as places where punishment is meted out rather than where justice is dispensed.

This brings us to the question whether the Negroes are fairly tried in the courts. Judge W. H. Thomas, of Montgomery, Ala., after an experience of ten years as a trial judge, in an address before the Southern Sociological Congress, at Nashville, in 1912, said:

My observation has been that courts try the Negro fairly. I have observed that juries have not hesitated to acquit the Negro when the evidence showed his innocence. Yet, honesty demands that I say that justice too often miscarries in the attempt to enforce the criminal law against the native

white man. It is not that the Negro fails to get justice before the courts in the trial of the specific indictment against him, but too often it is that the native white man escapes it. It must be poor consolation to the foreign-born, the Indian, the Negro and the ignorant generally to learn that the law has punished only the guilty of their class or race, and to see that the guilty of the class, fortunate by reason of wealth, learning or color, are not so punished for like crime. There must be a full realization of the fact that if punishments of the law are not imposed on all offenders alike, it will breed distrust of administration.

Hon. William H. Sanford, also of Montgomery, Ala., in an address before the same congress on "Fundamental Inequalities of Administration Of Laws," further illuminated this question. He pointed out that the real population of the South is made up of three distinctive communities:

First where the population is composed largely of Negroes, sometimes in the ratio of as many as ten to one. Second, where the population is largely white, usually at a ratio of about two to one. Third, where the population is almost entirely white.

In the first of these, in the administration of the criminal law, the Negro usually gets even and exacts justice, sometimes tempered with mercy. The average white man who serves on the juries in these counties, in his cooler moments and untouched by racial influences, is a believer in fair play, and for the most part is the descendant of the men who builded the foundation of our states. But in these communities, a white man rarely, if ever, gets a fair and an impartial trial, and, if indeed he is indicted by a grand jury, his conviction or acquittal is determined more upon his family connections, his business standing or his local political influence than upon the evidence in the case as applied to the law.

In the second of these communities the law is more nearly enforced as to both classes, and except in cases where the rights of the one are opposed to those of the other, convictions may be had, and indeed are often had, against the members of both races for offenses of the more serious nature.

In the third of these communities the white man usually gets a fair trial and is usually acquitted or convicted according to the evidence under the law, while the Negro, the member of an opposite race, has scant consideration before a jury composed entirely of white men, and is given the severest punishments for the most trivial offenses.

In conclusion what are some of the principal factors of Negro criminality in the South? The convict lease system has already been indicated as one of these factors. Another factor is the imposing of severe and sometimes unjust sentences for misdemeanors, petty offenses and for vagrancy. Still another factor is the lack of

facilities to properly care for Negro juvenile offenders. Ignorance is, by some, reckoned as one of the chief causes of Negro crime. The majority of the serious offenses, such as homicide and rape, are committed by the ignorant. It appears to be pretty generally agreed that one of the chief causes of Negro crime in the South is strong drink. Attention was called to this fact by the great falling off in crime in those sections of the South where the prohibition law was put into effect. The general testimony is that where prohibition has really prohibited the Negro from securing liquor, the crime rate has decreased; where, however, the prohibition law has not prevented the Negro from securing liquor, there has been no decrease in the crime rate, but, instead, the introduction of a cheaper grade of liquor peddled about in the city and in the country districts, appears to have tended to increase crime.

One of the most significant and hopeful signs for the satisfactory solution of the race problem in the South is the attitude that is being taken towards Negro crime. The Negroes themselves are trying to get at the sources of crime and are making efforts to bring about better conditions. In some sections they have law and order leagues working in coöperation with the officers of the law. The white people are also giving serious consideration to Negro crime. Its sources, causes and effects upon the social life of the South are being studied. Movements are on foot for bettering conditions. Under the leadership of the late ex-Governor W. J. Northern, of Georgia, Christian civic leagues, composed of colored and white persons, were organized in that and other states for the purpose of putting down mob violence. The Southern Sociological Congress is taking the lead for the abolition of the convict lease and contract systems and for the adoption, in the South, of modern principles of prison reform.